## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

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WALKER DIGITAL, LLC,	: :
Plaintiff,	Civil Action No. 11-CV-00696-GMS
V.	: : : JURY TRIAL DEMANDED
MICROSOFT CORP., SONY COMPUTER	: JUNI TRIAL DEMIANDED
ENTERTAINMENT AMERICA LLC, and SONY NETWORK ENTERTAINMENT	:
INTERNATIONAL LLC,	· :
Defendants.	: :
	:
	·

# WALKER DIGITAL, LLC'S ANSWER TO MICROSOFT CORPORATION'S COUNTERCLAIMS

Plaintiff-Counterclaim-Defendant, Walker Digital, LLC ("Walker Digital"), by and through its undersigned counsel, as and for its Answer to the Counterclaims of Defendant-Counterclaimant Microsoft Corp. ("Microsoft"), states as follows:

## **THE PARTIES**

- 60. Walker Digital lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 60 of the Counterclaims.
  - 61. Admitted.

## **JURISDICTION AND VENUE**

- 62. Admitted.
- 63. Admitted.
- 64. Admitted.

## COUNT I Declaratory Judgment of Non-Infringement of the '041 Patent

- 65. Walker Digital incorporates paragraphs 1-44 of the Complaint, and paragraphs 60-64 and the Affirmative Defense of this Answer as though fully set forth herein.
  - 66. Admitted.
- 67. Admitted, except Walker Digital denies that Microsoft has any rights regarding the '041 Patent.
  - 68. Denied.

#### **COUNT II**

## Declaratory Judgment of Invalidity and/or Unenforceability of the '041 Patent

- 69. Walker Digital incorporates paragraphs 1-44 of the Complaint, and paragraphs 60-64 and the Affirmative Defense of this Answer as though fully set forth herein.
  - 70. Denied.
  - 71. Denied.

#### **COUNT III**

## Declaratory Judgment of Non-Infringement of the '866 Patent

- 72. Walker Digital incorporates paragraphs 1-44 of the Complaint, and paragraphs 60-64 and the Affirmative Defense of this Answer as though fully set forth herein.
  - 73. Admitted.
- 74. Admitted, except Walker Digital denies that Microsoft has any rights regarding the '866 Patent.
  - 75. Denied.

### **COUNT IV**

### Declaratory Judgment of Invalidity and/or Unenforceability of the '866 Patent

76. Walker Digital incorporates paragraphs 1-44 of the Complaint, and paragraphs 60-64 and the Affirmative Defense of this Answer as though fully set forth herein.

- 77. Denied.
- 78. Denied.

## **EXCEPTIONAL CASE**

79. Denied.

## **PRAYER FOR RELIEF**

Walker Digital denies that Microsoft is entitled to any relief requested in its Prayer for Relief.

## **AFFIRMATIVE DEFENSE**

Walker Digital asserts the following defense and reserves the right to amend its Answer as new information becomes available. The listing of any defense below shall not be construed as an admission that Walker Digital bears the burden of proof as to such defense:

## **FIRST DEFENSE**

The Counterclaims fail to state a claim upon which relief may be granted.

## PRAYER FOR RELIEF

WHEREFORE, Walker Digital demands the following relief:

- (i) Judgment in favor of Walker Digital;
- (ii) Judgment dismissing Microsoft's Counterclaims with prejudice;
- (iii) Such other and further relief as the Court deems just and equitable.

Dated: November 10, 2011

BAYARD, P.A.

Of Counsel:

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